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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,395	08/29/2003	Tetsuya Ishida	10973-103001	3577
26211	7590	03/21/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/652,395	ISHIDA, TETSUYA	
	Examiner	Art Unit	
	Ismael Negron	2875	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-10.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached Detailed Response to Arguments.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 6, 2006 has been entered. No claim has been amended, cancelled, or added. Claims 1-10 are still pending in this application, with Claim 1 being independent.

Response to Arguments

2. Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.

3. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 102(b) as being anticipated by SHIBATA et al. (U.S. Pat. 4,908,560), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically a rotation range detection means for detecting rotation of the drive motor, and abnormality judgment means for judging an abnormality of the rotation drive means.

4. In response to applicant's surprising arguments that SHIBATA et al. fails to disclose rotation range detection means for detecting rotation of the drive motor (as admitted by the applicant in page 6 of the arguments), the applicant is once again respectfully directed to Figure 1 of the cited reference, where a potentiometer 47 is shown, such potentiometer 47 being used to detect rotation of the drive motor 46.

Regarding abnormality judgment means for judging an abnormality of the rotation drive means, SHIBATA et al. further discloses a position shift detecting circuit 41, such circuit 41 receiving a control signal for driving the motor 46 to effect a desired amount of rotation. Circuit 41 also compares the actual rotation of the drive motor 46, as sensed by the potentiometer 47, and adjusts the driving signal sent to the drive motor 46 to compensate for any deviation from the desired amount of rotation. See Figure 1 and columns 5-7.

In addition, the applicant is advised that the use of servo motors in position control application is old and well known, and that one of ordinary skill in the art would have surely recognized that servo motors are generally composed of three basic elements: a drive motor, a control circuit, and a position feedback loop. The control circuit receives a pulse width modulated signal, which tells the control circuit how much the drive motor should be rotated, while the position feedback loop (generally a potentiometer) tells the control circuit how much the drive motor has actually rotated. Once the position of the drive motor, as indicated by the potentiometer, is the same as the desired position the control circuit signals the motor drive to stop. However, the control circuit also maintains the drive motor in its desired position by constantly adjusting the drive motor to compensate for any deviation from the desired position detected by the potentiometer. See Figure 1 and columns 5-7 of SHIBATA et al..

As the applicant will now surely agree, SHIBATA et al. do disclose the claimed rotation range detection means for detecting rotation of the drive motor, and abnormality judgment means for judging an abnormality of the rotation drive means.

5. Regarding the Examiner's rejection of claims 2-10, the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 1 and would be allowable when/if the independent claim is allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you

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have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

A handwritten signature in black ink, appearing to read 'Sandra O'Shea', is positioned above the printed name and title.

Sandra O'Shea
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AU 2875